

Calendar No. 436

109TH CONGRESS
2^D SESSION

S. 1899

[Report No. 109–255]

To amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2005

Mr. McCAIN (for himself, Mr. DORGAN, Mr. CRAPO, Mr. INOUE, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

MAY 18, 2006

Reported by Mr. McCAIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Indian Child Protec-
3 tion and Family Violence Prevention Act Amendments of
4 2005”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 Section 402 of the Indian Child Protection and Fam-
7 ily Violence Prevention Act (25 U.S.C. 3201) is amend-
8 ed—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by redesignating subparagraphs
12 (E) and (F) as subparagraphs (F) and
13 (G), respectively; and

14 (ii) by inserting after subparagraph
15 (D) the following:

16 “(E) the Federal Government and certain
17 State governments are responsible for inves-
18 tigating and prosecuting certain felony crimes,
19 including child abuse, in Indian country, pursu-
20 ant to chapter 53 of title 18, United States
21 Code;” and

22 (B) in paragraph (2)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “two” and inserting
25 “the”;

1 (ii) in subparagraph (A), by striking
2 “and” at the end;

3 (iii) in subparagraph (B), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(C) identify and remove any impediment
9 to the immediate investigation of incidents of
10 child abuse in Indian country.”; and

11 (2) in subsection (b)—

12 (A) by striking paragraph (3) and insert-
13 ing the following:

14 “(3) provide for a background investigation for
15 any employee that has access to children;” and

16 (B) in paragraph (6), by striking “Area
17 Office” and inserting “Regional Office”.

18 **SEC. 3. DEFINITIONS.**

19 Section 403 of the Indian Child Protection and Fam-
20 ily Violence Prevention Act (25 U.S.C. 3202) is amend-
21 ed—

22 (1) by striking paragraph (14);

23 (2) by redesignating paragraphs (5) through
24 (13) as paragraphs (6) through (14), respectively;

1 (3) by inserting after paragraph (4) the fol-
 2 lowing:

3 “~~(5) ‘conviction’,~~ with respect to an offense,
 4 means a final judgment of guilty through a verdict
 5 by a judge or jury or a plea of guilty or no contest,
 6 but does not include any final judgment that has
 7 been expunged by pardon, reversed, set aside, or
 8 otherwise voided;”;

9 (4) in paragraph (13) (as redesignated by para-
 10 graph (2)), by striking “that agency” and all that
 11 follows through “Indian tribe” and inserting “the
 12 Federal, State, or tribal agency”;

13 (5) in paragraph (14) (as redesignated by para-
 14 graph (2)), by inserting “(including a tribal law en-
 15 forcement agency operating pursuant to a grant,
 16 contract, or compact under the Indian Self-Deter-
 17 mination and Education Assistance Act (25 U.S.C.
 18 450 et seq.))” after “State law enforcement agen-
 19 cy”;

20 (6) in paragraph (17), by striking “and” at the
 21 end;

22 (7) in paragraph (18), by striking the period at
 23 the end and inserting “; and”; and

24 (8) by adding at the end the following:

1 “(19) ‘telemedicine’ means a telecommuni-
 2 cations link to an end user through the use of eligi-
 3 ble equipment that electronically links health profes-
 4 sionals or patients and health professionals at separ-
 5 ate sites in order to exchange health care informa-
 6 tion in audio, video, graphic, or other format for the
 7 purpose of providing improved health care diagnosis
 8 and treatment.”.

9 **SEC. 4. REPORTING PROCEDURES.**

10 Section 404 of the Indian Child Protection and Fam-
 11 ily Violence Prevention Act (25 U.S.C. 3203) is amend-
 12 ed—

13 (1) in subsection (c)—

14 (A) in paragraph (1), by striking “(1)
 15 Within” and inserting the following:

16 “(1) IN GENERAL.—Not later than”; and

17 (B) in paragraph (2)—

18 (i) by striking “(2)(A) Any” and in-
 19 serting the following:

20 “(2) INVESTIGATION OF REPORTS.—

21 “(A) IN GENERAL.—Any”;

22 (ii) in subparagraph (B)—

23 (I) by striking “(B) Upon” and
 24 inserting the following:

25 “(B) FINAL WRITTEN REPORT.—On”; and

1 (II) by inserting “including any
 2 Federal, State, or tribal conviction re-
 3 sulting from the allegation” before the
 4 period at the end; and

5 (iii) by adding at the end the fol-
 6 lowing:

7 “(C) MAINTENANCE OF FINAL REPORTS.—

8 The Federal Bureau of Investigation shall
 9 maintain a record of each written report sub-
 10 mitted under subsection (b) in a manner in
 11 which the report is accessible to—

12 “(i) a local law enforcement agency
 13 that requires the information to carry out
 14 an official duty; and

15 “(ii) any agency requesting the infor-
 16 mation under section 408.

17 “(D) COLLECTION OF DATA.—Not less fre-
 18 quently than once each year, the Secretary, in
 19 consultation with the Attorney General and any
 20 appropriate Indian tribe, shall collect any infor-
 21 mation not otherwise reported under subsection
 22 (b), including information relating to, during
 23 the preceding calendar year—

24 “(i) the number of child abuse allega-
 25 tions and investigations in Indian country;

1 “(ii) the number of child abuse pros-
 2 ecutions declined or deferred in Indian
 3 country; and

4 “(iii) the number of acquittals of
 5 charges of child abuse in Indian country.”;
 6 and

7 (2) by adding at the end the following:

8 “(e) CONFIDENTIALITY OF CHILDREN.—No local law
 9 enforcement agency or local child protective services agen-
 10 cy shall disclose the name of or information concerning
 11 the child to anyone other than any person who, by reason
 12 of their participation in the treatment of the child, the
 13 investigation, or the adjudication of the allegation, needs
 14 to know the information in the performance of the duties
 15 of the individual.

16 “(f) REPORT TO CONGRESS.—Not later than 1 year
 17 after the date of enactment of this subsection, and annu-
 18 ally thereafter, the Director of the Federal Bureau of In-
 19 vestigation, in coordination with the Secretary and the At-
 20 torney General, shall submit to the Committees on Indian
 21 Affairs and the Judiciary of the Senate, and the Commit-
 22 tees on Resources and the Judiciary of the House of Rep-
 23 resentatives, a report on child abuse in Indian country
 24 during the preceding year.”.

1 **SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD**
 2 **ABUSE.**

3 Section 405 of the Indian Child Protection and Fam-
 4 ily Violence Prevention Act (25 U.S.C. 3204) is amended
 5 to read as follows:

6 **“SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING**
 7 **CHILD ABUSE.**

8 **“(a) STUDY.**—The Secretary, in consultation with
 9 the Attorney General and the Service, shall conduct a
 10 study under which the Secretary shall identify any impedi-
 11 ment to the reduction of child abuse in Indian country
 12 and on Indian reservations.

13 **“(b) INCLUSIONS.**—The study under subsection (a)
 14 shall include a description of—

15 **“(1)** any impediment to reporting child abuse in
 16 Indian country and on Indian reservations;

17 **“(2)** any impediment to, or advance in, Federal,
 18 State, and tribal investigations and prosecutions of
 19 allegations of child abuse in Indian country and on
 20 Indian reservations; and

21 **“(3)** any impediment to, or advance in, the
 22 treatment of child abuse in Indian country and on
 23 Indian reservations.

24 **“(c) REPORT.**—Not later than 18 months after the
 25 date of enactment of the Indian Child Protection and
 26 Family Violence Prevention Act Amendments of 2005, the

1 Secretary shall submit to the Committees on Indian Af-
 2 fairs and the Judiciary of the Senate, and the Committees
 3 on Resources and the Judiciary of the House of Rep-
 4 resentatives, a report describing—

5 “(1) the findings of the study under this sec-
 6 tion; and

7 “(2) recommendations for legislative actions to
 8 reduce instances of child abuse in Indian country
 9 and on Indian reservations, if any.”.

10 **SEC. 6. CONFIDENTIALITY.**

11 Section 406 of the Indian Child Protection and Fam-
 12 ily Violence Prevention Act (25 U.S.C. 3205) is amended
 13 to read as follows:

14 **“SEC. 406. CONFIDENTIALITY.**

15 “Any Federal, State, or tribal government agency
 16 that treats or investigates incidents of child abuse may
 17 provide information and records to an officer of any other
 18 Federal, State, or tribal government agency that requires
 19 the information to carry out the duties of the officer, in
 20 accordance with section 552a of title 5, United States
 21 Code, section 361 of the Public Health Service Act (42
 22 U.S.C. 264), the Family Educational Rights and Privacy
 23 Act of 1974 (20 U.S.C. 1232g), part C of title XI of the
 24 Social Security Act (42 U.S.C. 1320d et seq.), and other
 25 applicable Federal law.”.

1 **SEC. 7. WAIVER OF PARENTAL CONSENT.**

2 Section 407 of the Indian Child Protection and Fam-
 3 ily Violence Prevention Act (25 U.S.C. 3206) is amend-
 4 ed—

5 (1) in subsection (a), by inserting “or forensic”
 6 after “psychological”; and

7 (2) in subsection (e), by striking “advise” and
 8 inserting “advice”.

9 **SEC. 8. CHARACTER INVESTIGATIONS.**

10 Section 408(b) of the Indian Child Protection and
 11 Family Violence Prevention Act (25 U.S.C. 3207(b)) is
 12 amended by striking “guilty to” and all that follows and
 13 inserting the following: “guilty to, any offense under Fed-
 14 eral, State, or tribal law involving—

15 “(1) a crime of violence;

16 “(2) sexual assault;

17 “(3) child abuse;

18 “(4) exploitation; or

19 “(5) sexual contact or prostitution.”.

20 **SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PRO-**
 21 **GRAM.**

22 Section 409 of the Indian Child Protection and Fam-
 23 ily Violence Prevention Act (25 U.S.C. 3208) is amended
 24 by striking subsection (e) and inserting the following:

25 “(e) **AUTHORIZATION OF APPROPRIATIONS.**—There
 26 are authorized to be appropriated such sums as are nec-

1 essary to carry out this section for each of fiscal years
 2 2006 through 2010.”.

3 **SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES**
 4 **CENTERS.**

5 Section 410 of the Indian Child Protection and Fam-
 6 ily Violence Prevention Act (25 U.S.C. 3209) is amend-
 7 ed—

8 (1) in subsection (a), by striking “area office”
 9 and inserting “Regional Office”;

10 (2) in subsection (b), by striking “The Sec-
 11 retary” and all that follows through “Human Serv-
 12 ices” and inserting “The Secretary, the Secretary of
 13 Health and Human Services, and the Attorney Gen-
 14 eral”;

15 (3) in subsection (d)—

16 (A) in paragraph (4), by inserting “,
 17 State,” after “Federal”; and

18 (B) in paragraph (5), by striking “agency
 19 office” and inserting “Regional Office”;

20 (4) in subsection (e)—

21 (A) in paragraphs (1) and (2), by striking
 22 the commas at the ends of the paragraphs and
 23 inserting semicolons;

24 (B) by striking paragraph (3) and insert-
 25 ing the following:

1 ~~“(3) adolescent mental and behavioral health~~
 2 ~~(including suicide prevention and treatment);”;~~

3 ~~(C) in paragraph (4), by striking the pe-~~
 4 ~~riod at the end and inserting a semicolon; and~~

5 ~~(D) by adding at the end the following:~~

6 ~~“(5) criminal prosecution; and~~

7 ~~“(6) medicine.”;~~

8 ~~(5) in subsection (f)—~~

9 ~~(A) in the first sentence, by striking “The~~
 10 ~~Secretary” and all that follows through~~
 11 ~~“Human Services” and inserting the following:~~

12 ~~“(1) ESTABLISHMENT.—The Secretary, in con-~~
 13 ~~sultation with the Service and the Attorney Gen-~~
 14 ~~eral”;~~

15 ~~(B) in the second sentence—~~

16 ~~(i) by striking “Each” and inserting~~
 17 ~~the following~~

18 ~~“(2) MEMBERSHIP.—Each”; and~~

19 ~~(ii) by striking “shall consist of 7~~
 20 ~~members” and inserting “shall be”;~~

21 ~~(C) in the third sentence, by striking~~
 22 ~~“Members” and inserting the following:~~

23 ~~“(3) COMPENSATION.—Members”; and~~

24 ~~(D) in the fourth sentence, by striking~~
 25 ~~“The advisory” and inserting the following:~~

1 ~~“(4) DUTIES.—Each advisory”;~~

2 ~~(6) in subsection (g)—~~

3 ~~(A) in the first sentence—~~

4 ~~(i) by striking “Indian Child” and in-~~
 5 ~~serting the following:~~

6 ~~“(1) IN GENERAL.—Indian Child”; and~~

7 ~~(ii) by adding before the period at the~~
 8 ~~end the following: “(25 U.S.C. 450 et~~
 9 ~~seq.)”;~~

10 ~~(B) by striking the second sentence and in-~~
 11 ~~serting the following:~~

12 ~~“(2) CERTAIN REGIONAL OFFICES.—~~

13 ~~“(A) IN GENERAL.—Except as provided in~~
 14 ~~subparagraph (B), if a Center is located in a~~
 15 ~~Regional Office of the Bureau that serves more~~
 16 ~~than 1 Indian tribe, an application to enter into~~
 17 ~~a grant, contract, or compact under the Indian~~
 18 ~~Self-Determination and Education Assistance~~
 19 ~~Act (25 U.S.C. 450 et seq.) to operate the Cen-~~
 20 ~~ter shall contain a consent form signed by an~~
 21 ~~official of each Indian tribe to be served under~~
 22 ~~the grant, contract, or compact.~~

23 ~~“(B) ALASKA REGION.—Notwithstanding~~
 24 ~~subparagraph (A), for Centers located in the~~
 25 ~~Alaska Region, an application to enter into a~~

grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”; and

(C) in the third sentence, by striking “This section” and inserting the following:

“(3) EFFECT OF SECTION.—This section”; and

(7) by striking subsection (h) and inserting the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.”.

SEC. 11. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c), by striking the subsection heading and inserting “COORDINATING INVESTIGA-

1 TION, TREATMENT, AND PREVENTION OF CHILD
2 ABUSE AND FAMILY VIOLENCE”;

3 (2) by redesignating subsections (f) through (i)
4 as subsections (e) through (h), respectively; and

5 (3) by striking subsection (h) (as redesignated
6 by paragraph (2)) and inserting the following:

7 “(h) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section for each of fiscal years
10 2006 through 2010.”.

11 **SEC. 12. USE OF TELEMEDICINE.**

12 The Indian Child Protection and Family Violence
13 Prevention Act (25 U.S.C. 3201 et seq.) is amended by
14 adding at the end the following:

15 **“SEC. 412. USE OF TELEMEDICINE.**

16 “(a) **CONTRACTS AND AGREEMENTS.**—The Service is
17 authorized to enter into any contract or agreement for the
18 use of telemedicine with a public or private medical univer-
19 sity or facility, or any private practitioner, with experience
20 relating to pediatrics, including the diagnosis and treat-
21 ment of child abuse, to assist the Service with respect to—

22 “(1) the diagnosis and treatment of child abuse;

23 or

24 “(2) methods of training Service personnel in
25 diagnosing and treating child abuse.

1 “(b) ADMINISTRATION.—In carrying out subsection
2 (a), the Service shall, to the maximum extent prac-
3 ticable—

4 “(1) use existing telemedicine infrastructure;
5 and

6 “(2) give priority to Service units and medical
7 facilities operated pursuant to grants, contracts, or
8 compacts under the Indian Self-Determination and
9 Education Assistance Act (25 U.S.C. 450 et seq.)
10 that are located in, or providing service to, remote
11 areas of Indian country or Indian reservations.

12 “(c) INFORMATION AND CONSULTATION.—On receipt
13 of a request, the Service may provide to public and private
14 medical universities, facilities, and practitioners any infor-
15 mation or consultation on the treatment of Indian children
16 who have, or may have, been subject to abuse or neglect.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section for each of fiscal years
20 2006 through 2010.”.

21 **SEC. 13. CONFORMING AMENDMENTS.**

22 Section 1169 of title 18, United States Code, is
23 amended—

24 (1) in subsection (a)(1)—

1 (A) in subparagraph (B), by inserting “or
2 volunteering for” after “employed by”;

3 (B) in subparagraph (D)—

4 (i) by inserting “or volunteer” after
5 “child day care worker”; and

6 (ii) by striking “worker in a group
7 home” and inserting “worker or volunteer
8 in a group home”;

9 (C) in subparagraph (E), by striking “or
10 psychological assistant,” and inserting “psycho-
11 logical or psychiatric assistant, or mental or be-
12 havioral health professional”;

13 (D) in subparagraph (F), by striking
14 “child” and inserting “individual”;

15 (E) by striking subparagraph (G); and in-
16 serting the following:

17 “(G) foster parent; or”; and

18 (F) in subparagraph (H), by striking “law
19 enforcement officer, probation officer” and in-
20 serting “law enforcement personnel, probation
21 officer, criminal prosecutor”; and

22 (2) in subsection (c), by striking paragraphs (3)
23 and (4) and inserting the following:

24 “(3) ‘local child protective services agency’ has
25 the meaning given the term in section 403 of the In-

dian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

“(4) ‘local law enforcement agency’ has the meaning given the term in section 403 of that Act.”.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Child Protection and Family Violence Prevention Act Amendments of 2006”.

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

“(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;”; and

(B) in paragraph (2)—

1 (i) in the matter preceding subpara-
 2 graph (A), by striking “two” and inserting
 3 “the”;

4 (ii) in subparagraph (A), by striking
 5 “and” at the end;

6 (iii) in subparagraph (B), by striking
 7 the period at the end and inserting “; and”;
 8 and

9 (iv) by adding at the end the following:
 10 “(C) identify and remove any impediment
 11 to the immediate investigation of incidents of
 12 child abuse in Indian country.”; and
 13 (2) in subsection (b)—

14 (A) by striking paragraph (3) and inserting
 15 the following:

16 “(3) provide for a background investigation for
 17 any employee or volunteer who has access to chil-
 18 dren;”; and

19 (B) in paragraph (6), by striking “Area Of-
 20 fice” and inserting “Regional Office”.

21 **SEC. 3. DEFINITIONS.**

22 Section 403 of the Indian Child Protection and Fam-
 23 ily Violence Prevention Act (25 U.S.C. 3202) is amended—

24 (1) by redesignating paragraphs (6) through (18)
 25 as paragraphs (7) through (19), respectively;

1 (2) *by inserting after paragraph (5) the fol-*
 2 *lowing:*

3 “(6) ‘final conviction’ means the final judgment
 4 on a verdict or finding of guilty, a plea of guilty, or
 5 a plea of nolo contendere, but does not include a final
 6 judgment that has been expunged by pardon, reversed,
 7 set aside, or otherwise rendered void;”;

8 (3) *in paragraph (13) (as redesignated by para-*
 9 *graph (1)), by striking “that agency” and all that fol-*
 10 *lows through “Indian tribe” and inserting “the Fed-*
 11 *eral, State, or tribal agency”;*

12 (4) *in paragraph (14) (as redesignated by para-*
 13 *graph (1)), by inserting “(including a tribal law en-*
 14 *forcement agency operating pursuant to a grant, con-*
 15 *tract, or compact under the Indian Self-Determina-*
 16 *tion and Education Assistance Act (25 U.S.C. 450 et*
 17 *seq.))” after “State law enforcement agency”;*

18 (5) *in paragraph (18) (as redesignated by para-*
 19 *graph (1)), by striking “and” at the end;*

20 (6) *in paragraph (19) (as redesignated by para-*
 21 *graph (1)), by striking the period at the end and in-*
 22 *serting “; and”; and*

23 (7) *by adding at the end the following:*

24 “(20) ‘telemedicine’ means a telecommunications
 25 link to an end user through the use of eligible equip-

1 *ment that electronically links health professionals or*
 2 *patients and health professionals at separate sites in*
 3 *order to exchange health care information in audio,*
 4 *video, graphic, or other format for the purpose of pro-*
 5 *viding improved health care diagnosis and treat-*
 6 *ment.”.*

7 **SEC. 4. REPORTING PROCEDURES.**

8 *Section 404 of the Indian Child Protection and Fam-*
 9 *ily Violence Prevention Act (25 U.S.C. 3203) is amended—*
 10 *(1) in subsection (c)—*

11 *(A) in paragraph (1), by striking “(1)*
 12 *Within” and inserting the following:*

13 *“(1) IN GENERAL.—Not later than”; and*

14 *(B) in paragraph (2)—*

15 *(i) by striking “(2)(A) Any” and in-*
 16 *serting the following:*

17 *“(2) INVESTIGATION OF REPORTS.—*

18 *“(A) IN GENERAL.—Any”;*

19 *(ii) in subparagraph (B)—*

20 *(I) by striking “(B) Upon” and*
 21 *inserting the following:*

22 *“(B) FINAL WRITTEN REPORT.—On”; and*

23 *(II) by inserting “including any*
 24 *Federal, State, or tribal final convic-*
 25 *tion, and provide to the Federal Bu-*

1 reau of Investigation a copy of the re-
 2 port” before the period at the end; and
 3 (iii) by adding at the end the fol-
 4 lowing:

5 “(C) MAINTENANCE OF FINAL REPORTS.—
 6 The Federal Bureau of Investigation shall main-
 7 tain a record of each written report submitted
 8 under this subsection or subsection (b) in a man-
 9 ner in which the report is accessible to—

10 “(i) a local law enforcement agency
 11 that requires the information to carry out
 12 an official duty; and

13 “(ii) any agency requesting the infor-
 14 mation under section 408.

15 “(D) REPORT TO CONGRESS.—Not later
 16 than 1 year after the date of enactment of this
 17 subsection, and annually thereafter, the Director
 18 of the Federal Bureau of Investigation, in coordi-
 19 nation with the Secretary and the Attorney Gen-
 20 eral, shall submit to the Committees on Indian
 21 Affairs and the Judiciary of the Senate and the
 22 Committees on Resources and the Judiciary of
 23 the House of Representatives a report on child
 24 abuse in Indian country during the preceding
 25 year.

1 “(E) *COLLECTION OF DATA.*—Not less fre-
 2 quently than once each year, the Secretary, in
 3 consultation with the Secretary of Health and
 4 Human Services, the Attorney General, the Di-
 5 rector of the Federal Bureau of Investigation,
 6 and any Indian tribe, shall—

7 “(i) collect any information concerning
 8 child abuse in Indian country (including
 9 reports under subsection (b)), including in-
 10 formation relating to, during the preceding
 11 calendar year—

12 “(I) the number of criminal and
 13 civil child abuse allegations and inves-
 14 tigations in Indian country;

15 “(II) the number of child abuse
 16 prosecutions referred, declined, or de-
 17 ferred in Indian country;

18 “(III) the number of child victims
 19 who are the subject of reports of child
 20 abuse in Indian country;

21 “(IV) sentencing patterns of indi-
 22 viduals convicted of child abuse in In-
 23 dian country; and

1 “(V) rates of recidivism with re-
 2 spect to child abuse in Indian country;
 3 and

4 “(ii) to the maximum extend prac-
 5 ticable, reduce the duplication of informa-
 6 tion collection under clause (i).”; and

7 (2) by adding at the end the following:

8 “(e) *CONFIDENTIALITY OF CHILDREN.*—No local law
 9 enforcement agency or local child protective services agency
 10 shall disclose the name of, or information concerning, the
 11 child to anyone other than—

12 “(1) a person who, by reason of the participation
 13 of the person in the treatment of the child or the in-
 14 vestigation or adjudication of the allegation, needs to
 15 know the information in the performance of the duties
 16 of the individual; or

17 “(2) an officer of any other Federal, State, or
 18 tribal agency that requires the information to carry
 19 out the duties of the officer under section 406.

20 “(f) *REPORT.*—Not later than 1 year after the date of
 21 enactment of this subsection, and annually thereafter, the
 22 Secretary shall submit to the Committees on Indian Affairs
 23 and the Judiciary of the Senate and the Committees on Re-
 24 sources and the Judiciary of the House of Representatives

1 *a report on child abuse in Indian country during the pre-*
 2 *ceding year.*

3 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 4 *are authorized to be appropriated such sums as are nec-*
 5 *essary to carry out this section for each of fiscal years 2007*
 6 *through 2011.”.*

7 **SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD**
 8 **ABUSE.**

9 *Section 405 of the Indian Child Protection and Fam-*
 10 *ily Violence Prevention Act (25 U.S.C. 3204) is amended*
 11 *to read as follows:*

12 **“SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING**
 13 **CHILD ABUSE.**

14 “(a) *STUDY.*—*The Secretary, in consultation with the*
 15 *Attorney General and the Service, shall conduct a study*
 16 *under which the Secretary shall identify any impediment*
 17 *to the reduction of child abuse in Indian country and on*
 18 *Indian reservations.*

19 “(b) *INCLUSIONS.*—*The study under subsection (a)*
 20 *shall include a description of—*

21 “(1) *any impediment, or recent progress made*
 22 *with respect to removing impediments, to reporting*
 23 *child abuse in Indian country;*

24 “(2) *any impediment, or recent progress made*
 25 *with respect to removing impediments, to Federal,*

1 *State, and tribal investigations and prosecutions of*
 2 *allegations of child abuse in Indian country; and*

3 “(3) *any impediment, or recent progress made*
 4 *with respect to removing impediments, to the treat-*
 5 *ment of child abuse in Indian country.*

6 “(c) *REPORT.—Not later than 18 months after the date*
 7 *of enactment of the Indian Child Protection and Family*
 8 *Violence Prevention Act Amendments of 2006, the Secretary*
 9 *shall submit to the Committees on Indian Affairs and the*
 10 *Judiciary of the Senate, and the Committees on Resources*
 11 *and the Judiciary of the House of Representatives, a report*
 12 *describing—*

13 “(1) *the findings of the study under this section;*
 14 *and*

15 “(2) *recommendations for legislative actions, if*
 16 *any, to reduce instances of child abuse in Indian*
 17 *country.”.*

18 **SEC. 6. CONFIDENTIALITY.**

19 *Section 406 of the Indian Child Protection and Fam-*
 20 *ily Violence Prevention Act (25 U.S.C. 3205) is amended*
 21 *to read as follows:*

22 **“SEC. 406. CONFIDENTIALITY.**

23 “(a) *IN GENERAL.—Notwithstanding any other provi-*
 24 *sion of law, any Federal, State, or tribal government agency*
 25 *that treats or investigates incidents of child abuse may pro-*

1 *vide* information and records to an officer of any other Fed-
 2 eral, State, or tribal government agency that requires the
 3 information to carry out the duties of the officer, in accord-
 4 ance with section 552a of title 5, United States Code, sec-
 5 tion 361 of the Public Health Service Act (42 U.S.C. 264),
 6 the Family Educational Rights and Privacy Act of 1974
 7 (20 U.S.C. 1232g), part C of title XI of the Social Security
 8 Act (42 U.S.C. 1320d et seq.), and other applicable Federal
 9 law.

10 “(b) *TREATMENT OF INDIAN TRIBES.*—For purposes
 11 of this section, an Indian tribal government shall be consid-
 12 ered to be an entity of the Federal Government.”.

13 **SEC. 7. WAIVER OF PARENTAL CONSENT.**

14 Section 407 of the Indian Child Protection and Fam-
 15 ily Violence Prevention Act (25 U.S.C. 3206) is amended—

16 (1) in subsection (a), by inserting “or forensic”
 17 after “psychological”; and

18 (2) by striking subsection (c) and inserting the
 19 following:

20 “(c) *PROTECTION OF CHILD.*—Any examination or
 21 interview of a child who may have been the subject of child
 22 abuse shall—

23 “(1) be conducted under such circumstances and
 24 using such safeguards as are necessary to minimize
 25 additional trauma to the child;

1 “(2) avoid, to the maximum extent practicable,
2 subjecting the child to multiple interviews during the
3 examination and interview processes; and

4 “(3) as time permits, be conducted using advice
5 from, or under the guidance of—

6 “(A) a local multidisciplinary team estab-
7 lished under section 411; or

8 “(B) if a local multidisciplinary team is
9 not established under section 411, a multidisci-
10 plinary team established under section 410.”.

11 **SEC. 8. CHARACTER INVESTIGATIONS.**

12 Section 408 of the Indian Child Protection and Fam-
13 ily Violence Prevention Act (25 U.S.C. 3207) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by inserting “, including any vol-
17 untary positions,” after “authorized posi-
18 tions”; and

19 (ii) by striking the comma at the end
20 and inserting a semicolon; and

21 (B) in paragraph (2)—

22 (i) by inserting “(including in a vol-
23 unteer capacity)” after “considered for em-
24 ployment”; and

1 (ii) by striking “, and” and inserting
2 “; and”;

3 (2) in subsection (b), by striking “guilty to” and
4 all that follows and inserting the following: “guilty to,
5 any felony offense under Federal, State, or tribal law,
6 or 2 or more misdemeanor offenses under Federal,
7 State, or tribal law, involving—

8 “(1) a crime of violence;

9 “(2) sexual assault;

10 “(3) child abuse;

11 “(4) molestation;

12 “(5) child sexual exploitation;

13 “(6) sexual contact;

14 “(7) child neglect;

15 “(8) prostitution; or

16 “(9) another offense against a child.”; and

17 (3) by adding at the end the following:

18 “(d) *EFFECT ON CHILD PLACEMENT.*—An Indian
19 tribe that certifies that the tribe has conducted an investiga-
20 tion under this section shall be considered to have satisfied
21 the background investigation requirements of any Federal
22 law requiring such an investigation for the placement of
23 an Indian child in a tribally-licensed or tribally-approved
24 foster or adoptive home, or an institution.”.

1 **SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PRO-**
 2 **GRAM.**

3 *Section 409 of the Indian Child Protection and Fam-*
 4 *ily Violence Prevention Act (25 U.S.C. 3208) is amended*
 5 *by striking subsection (e) and inserting the following:*

6 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 7 *authorized to be appropriated such sums as are necessary*
 8 *to carry out this section for each of fiscal years 2007*
 9 *through 2011.”.*

10 **SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES**
 11 **CENTERS.**

12 *Section 410 of the Indian Child Protection and Fam-*
 13 *ily Violence Prevention Act (25 U.S.C. 3209) is amended—*

14 (1) *in subsection (a), by striking “area office”*
 15 *and inserting “Regional Office”;*

16 (2) *in subsection (b), by striking “The Sec-*
 17 *retary” and all that follows through “Human Serv-*
 18 *ices” and inserting “The Secretary, the Secretary of*
 19 *Health and Human Services, and the Attorney Gen-*
 20 *eral”;*

21 (3) *in subsection (d)—*

22 (A) *in paragraph (4), by inserting “,*
 23 *State,” after “Federal”;* and

24 (B) *in paragraph (5), by striking “agency*
 25 *office” and inserting “Regional Office”;*

26 (4) *in subsection (e)—*

1 (A) in paragraph (2), by striking the
2 comma at the end and inserting a semicolon;

3 (B) by striking paragraph (3) and inserting
4 the following:

5 “(3) adolescent mental and behavioral health (in-
6 cluding suicide prevention and treatment);”;

7 (C) in paragraph (4), by striking the period
8 at the end and inserting “and sexual assault;”;
9 and

10 (D) by adding at the end the following:

11 “(5) criminal prosecution; and

12 “(6) medicine.”;

13 (5) in subsection (f)—

14 (A) in the first sentence, by striking “The
15 Secretary” and all that follows through “Human
16 Services” and inserting the following:

17 “(1) *ESTABLISHMENT*.—The Secretary, in con-
18 sultation with the Service and the Attorney General”;

19 (B) in the second sentence—

20 (i) by striking “Each” and inserting
21 the following

22 “(2) *MEMBERSHIP*.—Each”; and

23 (ii) by striking “shall consist of 7
24 members” and inserting “shall be”;

1 (C) in the third sentence, by striking “Mem-
2 bers” and inserting the following:

3 “(3) COMPENSATION.—Members”; and

4 (D) in the fourth sentence, by striking “The
5 advisory” and inserting the following:

6 “(4) DUTIES.—Each advisory”;

7 (6) in subsection (g)—

8 (A) in the first sentence—

9 (i) by striking “Indian Child” and in-
10 serting the following:

11 “(1) IN GENERAL.—Indian Child”; and

12 (ii) by striking “Act” and inserting
13 “and Education Assistance Act (25 U.S.C.
14 450 et seq.)”;

15 (B) by striking the second sentence and in-
16 serting the following:

17 “(2) CERTAIN REGIONAL OFFICES.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), if a Center is located in a Re-
20 gional Office of the Bureau that serves more than
21 1 Indian tribe, an application to enter into a
22 grant, contract, or compact under the Indian
23 Self-Determination and Education Assistance
24 Act (25 U.S.C. 450 et seq.) to operate the Center
25 shall contain a consent form signed by an offi-

1 *cial of each Indian tribe to be served under the*
 2 *grant, contract, or compact.*

3 “(B) *ALASKA REGION.*—*Notwithstanding*
 4 *subparagraph (A), for Centers located in the*
 5 *Alaska Region, an application to enter into a*
 6 *grant, contract, or compact described in that*
 7 *subparagraph shall contain a consent form*
 8 *signed by an official of each Indian tribe or trib-*
 9 *al consortium that is a member of a grant, con-*
 10 *tract, or compact relating to an Indian child*
 11 *protection and family violence prevention pro-*
 12 *gram under the Indian Self-Determination and*
 13 *Education Assistance Act (25 U.S.C. 450 et*
 14 *seq.).”;* and

15 (C) *in the third sentence, by striking “This*
 16 *section” and inserting the following:*

17 “(3) *EFFECT OF SECTION.*—*This section”;* and
 18 (7) *by striking subsection (h) and inserting the*
 19 *following:*

20 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 21 *are authorized to be appropriated such sums as are nec-*
 22 *essary to carry out this section for each of fiscal years 2007*
 23 *through 2011.”.*

1 **SEC. 11. INDIAN CHILD PROTECTION AND FAMILY VIO-**
 2 **LENCE PREVENTION PROGRAM.**

3 *Section 411 of the Indian Child Protection and Fam-*
 4 *ily Violence Prevention Act (25 U.S.C. 3210) is amended—*

5 *(1) in subsection (c), by striking the subsection*
 6 *heading and inserting “COORDINATING INVESTIGA-*
 7 *TION, TREATMENT, AND PREVENTION OF CHILD*
 8 *ABUSE AND FAMILY VIOLENCE”;*

9 *(2) in subsection (d)(3)—*

10 *(A) in subparagraph (A), by striking the*
 11 *comma at the end and inserting a semicolon;*

12 *(B) in subparagraph (B), by striking “,*
 13 *and” and inserting “; and”; and*

14 *(C) in subparagraph (C), by inserting*
 15 *“with respect to appropriate safety measures for*
 16 *child protection workers carrying out this Act”*
 17 *before the semicolon at the end;*

18 *(3) by redesignating subsections (f) through (i)*
 19 *as subsections (e) through (h), respectively; and*

20 *(4) by striking subsection (h) (as redesignated by*
 21 *paragraph (3)) and inserting the following:*

22 *“(h) AUTHORIZATION OF APPROPRIATIONS.—There*
 23 *are authorized to be appropriated such sums as are nec-*
 24 *essary to carry out this section for each of fiscal years 2007*
 25 *through 2011.”.*

1 **SEC. 12. USE OF TELEMEDICINE.**

2 *The Indian Child Protection and Family Violence Pre-*
 3 *vention Act (25 U.S.C. 3201 et seq.) is amended by adding*
 4 *at the end the following:*

5 **“SEC. 412. USE OF TELEMEDICINE.**

6 “(a) *CONTRACTS AND AGREEMENTS.—The Service is*
 7 *authorized to enter into any contract or agreement for the*
 8 *use of telemedicine with a public or private medical univer-*
 9 *sity or facility, or any private practitioner, with experience*
 10 *relating to pediatrics, including the diagnosis and treat-*
 11 *ment of child abuse, to assist the Service with respect to—*

12 “(1) *the diagnosis and treatment of child abuse;*

13 *or*

14 “(2) *methods of training Service personnel in di-*
 15 *agnosing and treating child abuse.*

16 “(b) *ADMINISTRATION.—In carrying out subsection*
 17 *(a), the Service shall, to the maximum extent practicable—*

18 “(1) *use existing telemedicine infrastructure; and*

19 “(2) *give priority to Service units and medical*
 20 *facilities operated pursuant to grants, contracts, or*
 21 *compacts under the Indian Self-Determination and*
 22 *Education Assistance Act (25 U.S.C. 450 et seq.) that*
 23 *are located in, or providing service to, remote areas*
 24 *of Indian country.*

25 “(c) *INFORMATION AND CONSULTATION.—On receipt of*
 26 *a request, for purposes of this section, the Service may pro-*

1 *vide to public and private medical universities, facilities,*
 2 *and practitioners described in subsection (a) any informa-*
 3 *tion or consultation on the treatment of Indian children*
 4 *who have, or may have, been subject to abuse or neglect.*

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
 6 *are authorized to be appropriated such sums as are nec-*
 7 *essary to carry out this section for each of fiscal years 2007*
 8 *through 2011.”.*

9 **SEC. 13. CONFORMING AMENDMENTS.**

10 (a) *OFFENSES COMMITTED WITHIN INDIAN COUN-*
 11 *TRY.—Section 1153(a) of title 18, United States Code, is*
 12 *amended by inserting “felony child neglect,” after “rob-*
 13 *bery,”.*

14 (b) *REPORTING OF CHILD ABUSE.—Section 1169 of*
 15 *title 18, United States Code, is amended—*

16 (1) *in subsection (a)(1)—*

17 (A) *in subparagraph (B), by inserting “or*
 18 *volunteering for” after “employed by”;*

19 (B) *in subparagraph (D)—*

20 (i) *by inserting “or volunteer” after*
 21 *“child day care worker”; and*

22 (ii) *by striking “worker in a group*
 23 *home” and inserting “worker or volunteer*
 24 *in a group home”;*

1 (C) in subparagraph (E), by striking “or
 2 psychological assistant,” and inserting “psycho-
 3 logical or psychiatric assistant, or person em-
 4 ployed in the mental or behavioral health profes-
 5 sion;”;

6 (D) in subparagraph (F), by striking
 7 “child” and inserting “individual”;

8 (E) by striking subparagraph (G), and in-
 9 serting the following:

10 “(G) foster parent; or”; and

11 (F) in subparagraph (H), by striking “law
 12 enforcement officer, probation officer” and in-
 13 serting “law enforcement personnel, probation of-
 14 ficer, criminal prosecutor”; and

15 (2) in subsection (c), by striking paragraphs (3)
 16 and (4) and inserting the following:

17 “(3) ‘local child protective services agency’ has
 18 the meaning given the term in section 403 of the In-
 19 dian Child Protection and Family Violence Preven-
 20 tion Act (25 U.S.C. 3202); and

21 “(4) ‘local law enforcement agency’ has the
 22 meaning given the term in section 403 of that Act.”.

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[Report No. 109-255]

A BILL

To amend the Indian Child Protection and Family
Violence Prevention Act to identify and remove
barriers to reducing child abuse, to provide for
examinations of certain children, and for other
purposes.

MAY 18, 2006

Reported with an amendment